

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:98-00027

RODNEY ALLEN HAYNES

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On February 14, 2017, the United States of America appeared by W. Clinton Carte, Assistant United States Attorney, and the defendant, Rodney Allen Haynes, appeared in person and by his counsel, Ann Mason Rigby, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Douglas W. Smith. The defendant commenced a five-year term of supervised release in this action on October 30, 2015, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on August 24, 1998.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant violated state law inasmuch as he committed the offense of felony strangulation on January 1, 2017, with respect to his girlfriend as evidenced by the defendant's stipulation on the record of the hearing that the government possesses sufficient proof to prove the offense by a preponderance of the evidence; and (2) the defendant used and possessed methamphetamine as evidenced by positive urine specimens submitted by him on April 5, June 15 and October 18, 2016, his admissions to the probation officer on April 14, July 7 and November 14, 2016, that he had used methamphetamine, and his admissions as set forth on the record of the hearing; all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously

imposed upon the defendant in this action be, and it hereby is, revoked.

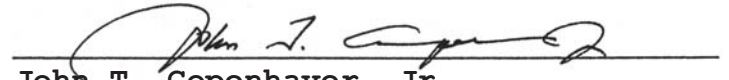
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of THREE (3) MONTHS, to be followed by a term of forty-eight (48) months of supervised release upon the standard conditions of supervised release now in effect in this district as promulgated by the Administrative Office of the United States Courts (National Form AO 245B), the standard conditions as set forth in Local Rule 32.3, and the special condition that he spend a period of six (6) months in a community confinement center, follow the rules and regulations of the facility, and participate in drug abuse counseling and treatment as directed by the probation officer. Upon recommendation of the probation officer, the court will consider substituting the six-month community confinement requirement with an inpatient program administered by the Veteran's Administration. The defendant

shall resume payments on the fine balance of \$11,284.22 beginning December 1, 2017, at the rate of \$100 per month with payment due on the first day of each month thereafter until paid in full.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: February 16, 2017


John T. Copenhaver, Jr.
United States District Judge